



Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019

Country report: Ireland

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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States and Candidate Countries of the European Union, and considering both online and offline news environments. This narrative report has been produced within the framework of the implementation of the MPM carried out in 2019, under a project financed by a preparatory action of the European Parliament. The implementation was conducted in 28 EU Member States, Albania and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological note

The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the case of Italy where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF.

In Ireland the CMPF partnered with Roddy Flynn (School of Communications, Dublin City University), who conducted the data collection, scored and commented the variables in the questionnaire and interviewed relevant experts. The report was reviewed by CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annex II for the list of experts).

Risks to media pluralism are examined in four main thematic areas, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1 below).

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for people with disabilities
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Media literacy

Table 1: Areas and Indicators of the Media Pluralism Monitor

The Monitor does not consider the digital dimension to be an isolated area but rather as intertwined with traditional media and existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor allows for an extraction of a digital-specific risk score and the report contains a specific analysis of risks related to the digital news environment.

The results for each domain and indicator are presented on a scale from 0 to 100%. Scores between 0 and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk.

On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of total absence or certainty of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, the MPM2020 scores may not be fully comparable with MPM2017 ones. For more details, see the CMPF report on MPM2020, soon available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

The Republic of Ireland occupies 70,274 kilometres across 26 of the 32 counties on the island of Ireland. The last census (in 2016) put the population at 4.7m people (and probably closer to 4.9m as of 2019). There are two official languages: English (spoken by 99% of the population) and Irish. Though 40% of the population claim linguistic competence in Irish less than 2% do so on a daily basis. Indeed, nearly twice as many residents routinely speak Polish (120,000) as compared with those who speak Irish (70,000).

Until relatively recently (i.e. the 1990s), the weakness of the Irish economy contributed to a high level of emigration (and, conversely, a low level of immigration). In consequence, Irish society has long been ethnically homogenous with the Travelling Community as the only ethnic minority (a status formally recognised in 2017). This has altered somewhat more recently and, as of 2016, just 83% of the population regard themselves as “White Irish” or “White Irish Travellers”. Of the remainder, 9.5% identify as “White”, 1.4% identify as “Black” and a further 2.4% identify as “Asian”.

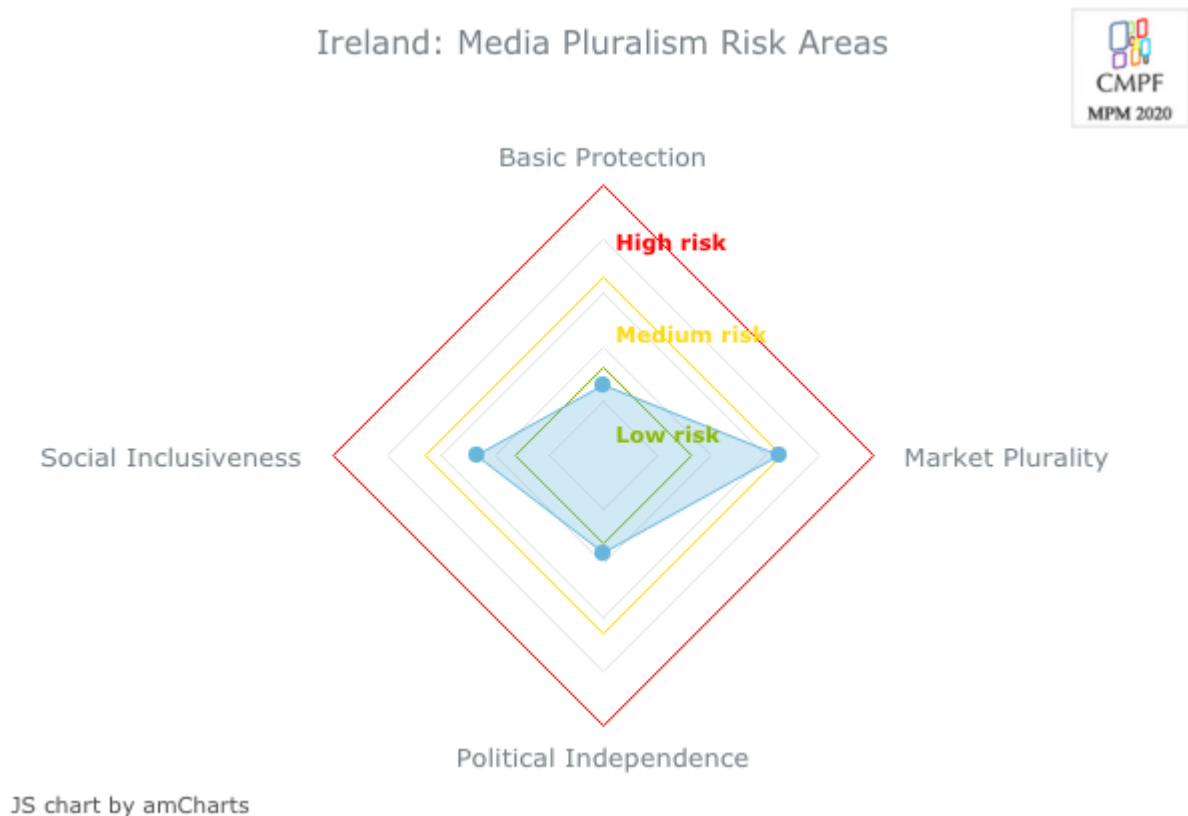
Assessments of the Irish economy are complicated by the significant presence of Foreign Direct Investment with the result that – unusually - Irish GDP is about 10% greater than Irish GNP. Furthermore, the use of tax inversion strategies by multinational companies makes GDP an unreliable indicator of Irish economic health. (Since 2017, the Irish Central Bank has instead relied upon Gross National Income (GNI).) The Irish economy has substantially recovered from the 2008 economic crash: GDP has nearly doubled since 2013 (reaching just under €90bn by 2019) while quarterly GNP has grown from €39bn to over €68bn in the same period. (That said the longer term impacts of Brexit and Covid-19 on the Irish economy remain to be seen.) Employment rates have also fallen from their early 2012 peak of 16% to 4.8% in February 2020.

Politically, Ireland is undergoing a period of transition. The formerly dominant Fianna Fail and Fine Gael parties have seen their combined vote share fall from more than 80% in the 1980s to 43% by February 2020. Both were surpassed in 2020 by the broadly leftist/republican Sinn Fein party. Nonetheless the administrative and policy structures of Irish government remain stable even if, as of March 2020 it is still unclear what the make-up of the next Irish administration will be.

Given Ireland’s Anglophone status and prior colonial status, UK-originated media has long played a significant role in Irish media consumption patterns. The two PSM, RTE and TG4, account for approximately 30% of channel share of viewing, while the Irish-based (but US-owned) private Virgin Media channels account for a further 18%. Even with the influx of international channels since the 1990s, UK-based channels (BBC, Sky and Channel 4) still account for about 17% of viewership. Similarly UK-based newspapers account for 1 in 4 daily sales and 1 in 3 sales on a Sunday. This is in the context of a collapse in print sales with overall circulation more than halving since the 2008 crash. The annual Reuters Digital News Report suggests that online (including social media) is now the single largest source of news, even if the most of the biggest online news brands are rooted in print and broadcast legacy outlets. Thus RTE remains the most-accessed news source offline and online (although, notably, the digital native TheJournal.ie is the second most accessed online source.)

The growing significance of online sources has prompted increasing debate about how/whether to regulate online content and in particular political advertising. In January 2020, the Minister for Communications introduced a draft Online Safety and Media Regulation Bill to, at once, transpose elements of the revised Audiovisual Media Services Directive, create an Online Safety Commissioner and repurpose the existing Broadcasting Authority of Ireland as a Media Commission with responsibility for the entire audiovisual sector (broadcasting, on-demand audio and visual services, and online platforms including social media sites). The February 2020 election delayed progress on the legislation but any new government is likely to pursue these objectives.

3. Results from the data collection: assessment of the risks to media pluralism



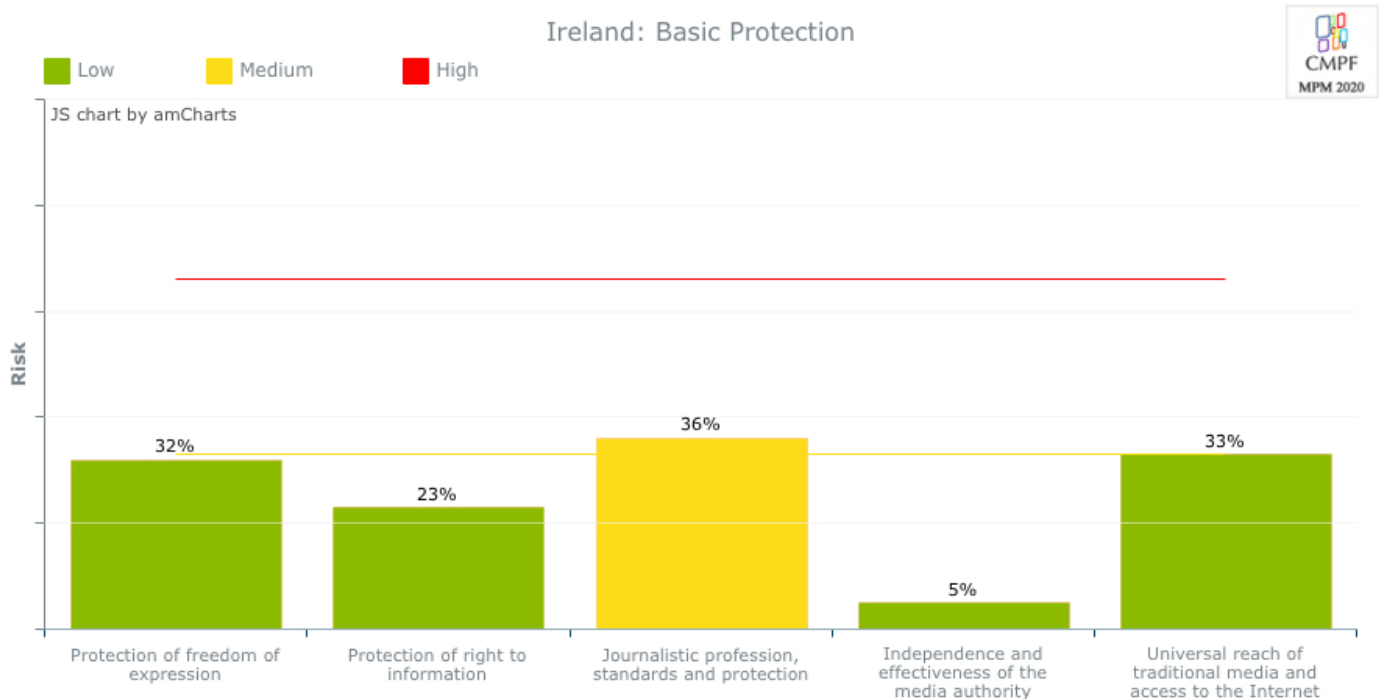
Notwithstanding difficult-to-overcome structural issues such as the small scale of the market, the Irish media landscape is relatively diverse and pluralistic, with robust regulatory structures and operates within a political culture which avoids intervention in the ownership or editorial content of media outlets. Basic protections such as freedom of expression and the right to access official information are also well established. Where threats to pluralism do exist, they are sometimes more potential than actually present. Nonetheless, there are areas – notably those relating to market plurality and social inclusiveness – where the capacity of the media to perform its democratic function is under threat.

Whether such threats can be addressed through political action is open to question. At least some are indirect consequences of market conditions. All five sub-indicators in the market plurality area are ranked as either medium or high risk. High levels of concentration already characterise Irish legacy media markets, after decades of political passivity which the more proactive 2014 Competition and Consumer Protection Act was unable to address because its anti-concentration provisions are not retrospective. That, at present, social media platforms are not considered as news media for competition regulation purposes, exacerbates matters given the very high level of concentration in those markets too. Furthermore, given the impact of the – not unconnected – crisis in legacy media markets on media viability and job security, there have also been arguments advanced in favour of greater consolidation in order to maintain the existence of current media outlets. (Nor is that financial crisis confined to private media: the position of the main PSM has been rendered all the more precarious by the political delay in acknowledging the cost of providing public service content.)

That sense that the financial position of the media market is delicate may account for a reluctance not to address some of the issues identified under the social inclusiveness area. The absence of any explicit requirement for broadcasters to address the needs of minority audiences (beyond the Irish language community) is reflected in the paucity of available programming for those audiences. In a similar vein, despite a much greater emphasis on gender equality in public discourse, there is a marked absence of comprehensive policies to address disparities in the access of women to key roles throughout the Irish media industries.

3.1. Basic Protection (26% - low risk)

The *Basic Protection* indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector, and the reach of traditional media and access to the Internet.



Ireland is scored as “low risk” with regard to basic protections for media pluralism, scoring 26%.

Though the **Journalistic profession, standards and protection variables are regarded as a medium risk (36%)**, journalists in Ireland are not subject to arbitrary arrest, rarely subject to actual physical violence (the last killing of a journalist occurred in 1996) and face few barriers to entering the profession. Furthermore, the general right of journalists to protect the anonymity of their sources has been consistently asserted in Irish case law. However, hostility towards collective bargaining by some larger news organisations and the increasing casualisation of journalistic employment (reflecting the declining economic health of the media sector) undermines the security of the profession. Although the Irish branch of the National Union of Journalists actively advocates for its members, incentives to join have declined and younger journalists are less likely to enjoy its protections. Against this, the Press Council and Ombudsman actively encourage both editorial independence and a respect for journalistic standards.

With regard to **Protection of freedom of expression (32%)**, it can generally be stated that such rights – online and offline - are generally well-secured in both constitutional and case law *and* in practice, even if Irish constitutional guarantees of free expression are less generous than those offered by Article 10(1) of the ECHR. The operation of such protections are weaker in the online environment (but may be enhanced by a proposed Online Safety and Media Regulation Bill). As matters stand, there is no requirement for the state to report whether they have sought for online content to be filtered or removed. Social media operators like Facebook and Twitter do publish “Transparency Reports” detailing content removals (including removals in response to requests from police or government departments). However, there is far less country-specific reporting of violations of/removals on the basis of, for example, Facebook's “Community Standards”.

Finally, with regard to the impact of Defamation Law on freedom of expression, juries remain the ultimate arbiter of the scale of settlements leaving scope for unpredictable variances in awards for damages. In response to a 2017 appeal taken by Independent News and Media, the ECHR found that the Irish Supreme Court had insufficiently explained the

basis for a €1.25m defamation award and as a consequence, had effectively breached the newspaper group's rights to freedom of speech under Article 10 of the ECHR.

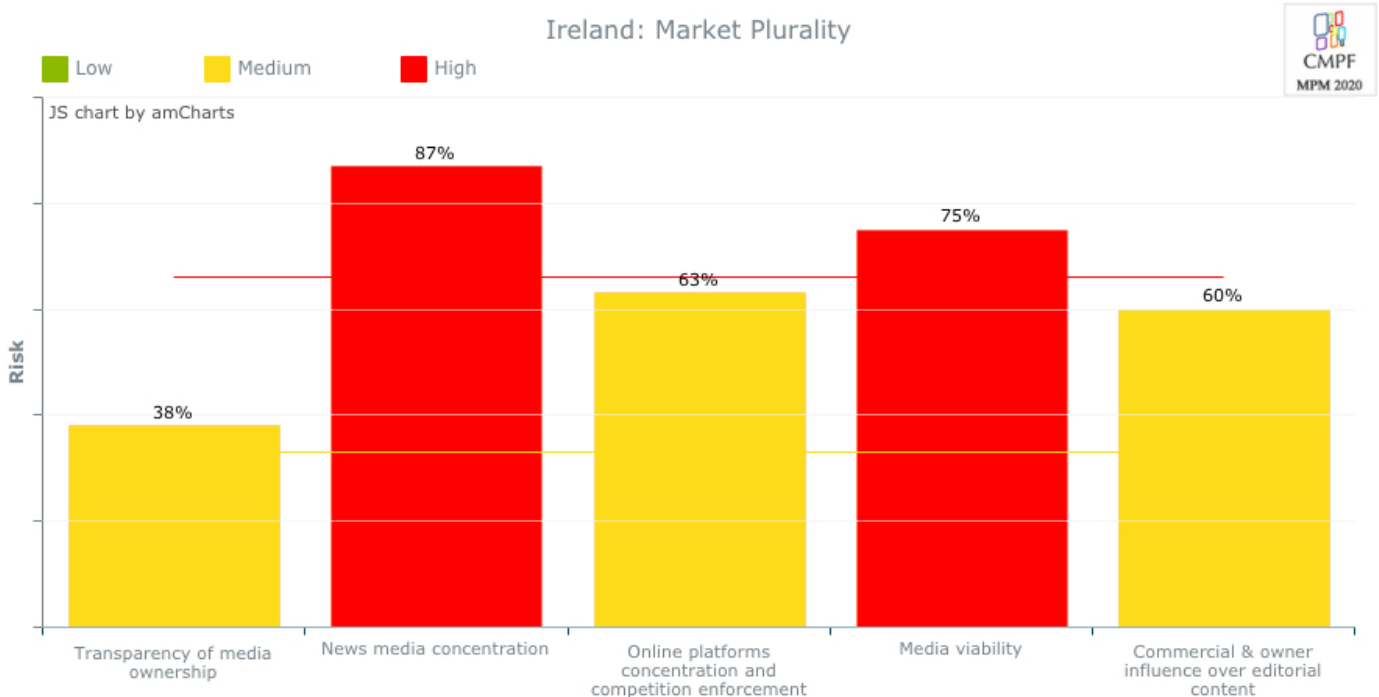
The 33% score for **Universal reach of traditional media and access to the Internet** (33%) is accounted for by the fact that, while universal access to PSM is legally guaranteed and offered in practice (via a combination of distribution technologies) and net neutrality is both legally guaranteed and respected by ISPs in practice, the availability of broadband (88% of households) and average connection speeds (24mbps) fall short of the low risk figure applied by the Monitor.

The low risk **Protection of right to information** (23%) score derives from the operation of Freedom of Information legislation and protections afforded to whistleblowers. A sequence of Freedom of Information Acts since 1997 have generally been effectively implemented according to annual reports from the Information Commissioner. The picture with regard to Whistleblower Protection (legally realised in the 2014 Protected Disclosures Act) is more mixed. Although a 2018 government review assessed the operation of the Act positively, academic research has queried whether the high rate of unsuccessful cases undermines protections for workers who raise concerns about wrongdoing in the workplace. Furthermore there have been some high profile cases where arbitrary sanctioning of whistleblowers appears to have occurred.

Finally, on **Independence and Effectiveness of the Media Authority** (5%), the research concludes that the Broadcasting Authority of Ireland works in a transparent, independent, well-regulated and effective manner.

3.2. Market Plurality (65% - medium risk)

The Market Plurality indicators examine the existence and effectiveness of provisions on transparency of media ownership and the existence and effectiveness of regulation or self-regulation against commercial & owner influence on editorial content. In addition, they assess the risks related to market concentration in the production as well as in distribution of news: as for production, considering separately horizontal concentration in each sector and cross-media concentration; as for distribution, assessing the role of online platforms as gateways to news, the concentration of online advertising market, and the role of competition enforcement and regulatory safeguards in protecting information pluralism. Moreover, they seek to evaluate the viability of the news media market.



Though considered a “medium risk” the 65% score for Market Plurality approaches the high risk threshold and is the highest overall risk category associated with Ireland. The MPM2020 assessment confirms previously identified risks

related to the news media ownership concentration and highlights alarming risks in the viability of news media.

Transparency of media ownership scores medium risk (38%). In comparison with earlier assessments, this indicator shows a slight improvement, aided by the transposition of the EU's Anti-Money Laundering Directive into Irish legislation in November 2018 and by provisions in the 2014 Competition and Consumer Protection Act requiring undertakings involved in media mergers/acquisitions to notify the Minister for Communications of their ownership details. However, the general public has only limited access to the Register of Beneficial Ownership emerging from the Money Laundering directive and the two detailed reports on Irish media ownership published by the BAI on foot of the 2014 legislation only offer three-year snapshots of ownership. (This will be addressed in 2020, with the BAI implementation of an ongoing Media Ownership Monitor website.)

News media concentration remains a very high risk (87%). This is due to the absence of defined legal limits on media ownership, for both horizontal and cross media concentration. The relevant legislation - section 4 of the 2014 Competition and Consumer Protection Act – contains no quantitative thresholds to limit increases in media ownership concentration. The Broadcasting Authority of Ireland's Ownership and Control Policy *does* specify one ownership threshold but this relates exclusively to radio stations. It should also be noted that the marked difficulty in assessing the absolute and relative value of the market revenue and audience shares enjoyed by the larger players in the main media markets constitutes a risk in and of itself.

Online platforms and competition enforcement scores a medium risk (63%). Two players (Google and Facebook) dominate the digital advertisement market and in audience share and the competition and regulation framework seems relatively weak in the face of rapid evolution of digital media markets. Indeed, though actively monitoring developments, the Competition and Consumer Protection Commission does not treat social media platforms as news media for concentration measurement purposes. That the average score for this indicator is not higher still is due largely to the fact that a majority of Irish consumers do not rely on intermediaries such as social media platforms to access online news.)

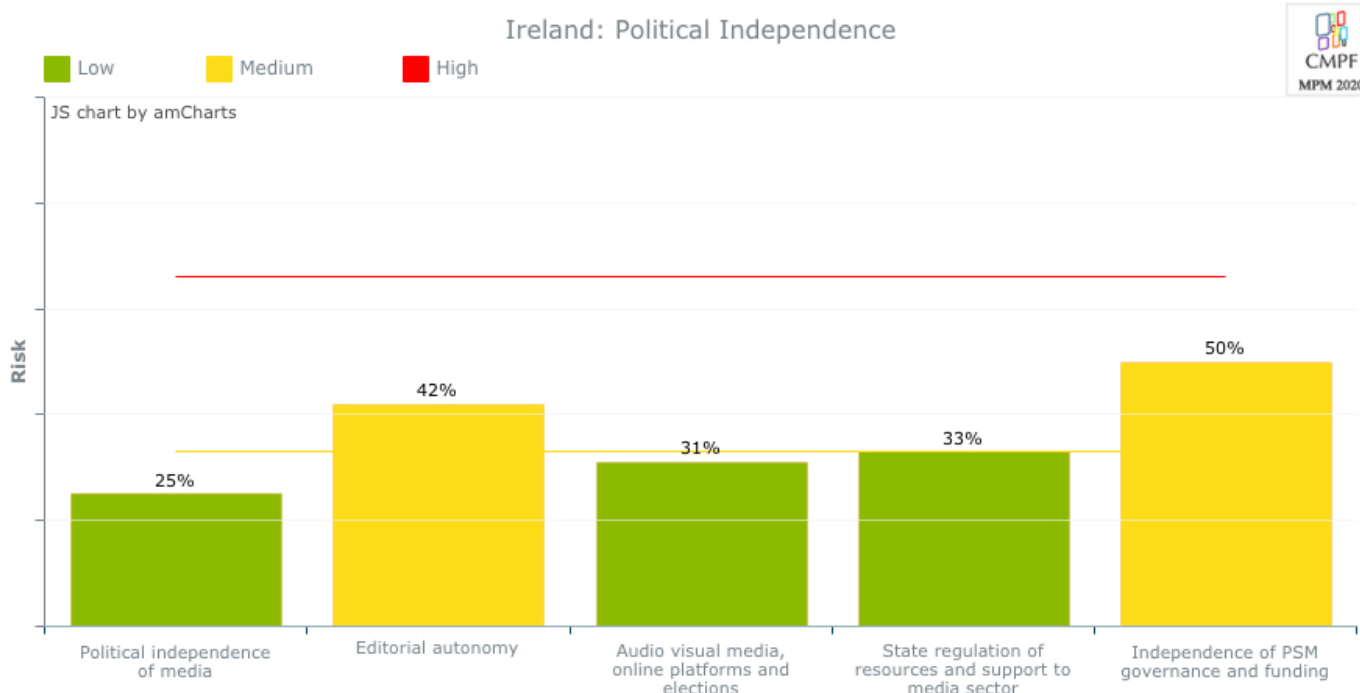
The risk associated with Media viability has abruptly worsened (to 75%). This is driven by the ongoing revenue difficulties for all media sectors, (in part related to Brexit uncertainty) and particularly for radio and print. Radio advertising revenues fell from €146m in 2017 to €144m in 2018. Similarly the combined print and digital advertising revenues for Irish national newspapers fell from €155m in 2016 to €122m in 2018. Average print circulation for the 16 main Sunday and daily papers declined by 10% between 2017 and 2018. New print revenue models – monetizing digital content – have had limited success and cannot compensate for falling print advertising revenues. Nor is there any public support for news media beyond the revenues granted to the two PSM from the licence fee. Although a Broadcasting Authority of Ireland-administered “Sound and Vision” scheme funds both public and private broadcast content production, it is prohibited from supporting news or current affairs programming.

Commercial & owner influence over editorial content scores a medium risk, at 60%. This is mostly due to the lack of specific protections for journalists and editors in cases where media ownership changes. General (i.e. not media-specific) protections against unfair dismissals only apply to individuals legally regarded as "employees" and this is particularly impacts journalism, where permanent employment is increasingly unusual. With regard to codes governing commercial influence on editorial content, the only definitive statement of their incompatibility is contained within the Broadcasting Authority of Ireland's "General Communication Code" (which only directly applies to broadcasters). The National Union of Journalists' code emphasizes that journalists *should* not be influenced by commercial interests while the Press Council's "Code of Practice" states that readers should be made aware if any significant financial interest has influenced editorial content. (Furthermore the influence of these institutions is limited with regard to online media.)

3.3. Political Independence (36% - medium risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of public service media. Furthermore, the area concerns with the existence and effectiveness of

(self)regulation in ensuring editorial independence and availability of plural political information and viewpoints, in particular during electoral periods.



The overall score under the area of Political Independence for Ireland is, at 36% just over the threshold for medium risk. On two indicators– Editorial autonomy and Independence of PSM governance and funding, Ireland lies firmly within the medium risk territory based on score, although in the former area, the risk is more potential (i.e. deriving from the absence of legal protections) than actual.

The low risk score for **Political independence of media** (25%) reflects that while there is no absolute legal prohibition on combining media ownership and political office in Ireland, this is not a feature of the local mediascape. Furthermore there is little compelling evidence that politicians exercise – or even routinely seek to exercise – control over media organisations or their content (except through legitimate public relations-oriented means).

The medium risk score for **Editorial autonomy** (42%) exemplifies the distinction between theoretical risk and practice. Although overtly prohibitions against political interference in senior media appointments or editorial content the Irish media regulatory environment (including external regulatory structures and self-regulatory mechanisms) are entirely absent, neither are they taken-for-granted elements of all news media organisations. Nonetheless, it is difficult to identify instances of political parties interfering in Irish media organisations (including the two PSM). Furthermore there are very strong admonitions towards editorial impartiality within both Broadcasting Authority of Ireland and Press Council codes.

The overall low score for the **Audiovisual media, online platforms and elections** indicator (31%) reflects the strong emphasis on objectivity and impartiality under Article 39 of the 2009 Broadcasting Act. Furthermore, although there are no legal or self-regulatory codes *specifically* requiring either private broadcasters or the PSM to provide broadcast access to political actors on a fair and equitable basis, in practice such access is a taken for granted feature of Irish news and current affairs. There remains some ambiguity surrounding the basis on which broadcasters determine the exposure offered to different political parties but it may generally be observed that Irish broadcasters strive to manage such access as impartially as is feasible. By contrast there remains a significant lack of transparency with regard to online advertising. Notwithstanding requirements from the Standards in Public Office Commission (SIPO) for political candidates to make public details of their election expenses, this does not require them to itemise online political advertising. Some candidates do so but there is little consistency in this regard (although careful scrutiny of, for example, Facebook’s Ad Library identifies both levels of party expenditure on their social media advertising *and* shows the content of such ads.)

Though rated as low risk the 33% score for **State regulation of resources and support to media** of medium risk. The research finds that spectrum allocation occurs on a fair and transparent basis (and notes the general absence of direct subsidies to media outlets). However as noted in previous iterations of the Monitor, the specific rules on the distribution of state advertising to media outlets remain unclear notwithstanding the general application of public procurement rules. Nor is there any publicly available register of how state advertising is distributed in practice. Thus it is impossible to determine whether such advertising is distributed on a fair and transparent basis.

The medium risk score for **Independence of PSM governance and funding** (50%) reflects the key role played by the Minister for Communications in appointing the board and Director-General of Ireland's PSM. Although, in recent decades, such appointments appear to have been made on a politically non-partisan basis, the appointment processes clearly leave open such a possibility. Furthermore, the determination of the broadcast licence fee (which accounts for up to 50% of RTE funding) is manifestly political. In theory, the licence fee level is linked to the Consumer Price Index but Ministers for Communication retain discretion in the precise level of any increase. Since 2009 this has also been subject to advice to the Minister from the Broadcasting Authority of Ireland. Between 2008 and 2018, despite a sequence of BAI submissions to successive Ministers recommending a licence fee increase, none was actually granted (presumably due to a political reluctance to be seen to be increasing a largely unavoidable "tax").

3.4. Social Inclusiveness (47% - medium risk)

The Social Inclusiveness indicators are concerned with access to media by various groups in society. The indicators assess regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women and people with disabilities. In addition to access to media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country's media literacy environment, as well as the digital skills of the overall population.

The Social Inclusiveness score (47%) is considered a medium risk. Three of the five indicators in this area are assessed at 50% or higher and the 88% figure relating to minority media access is the single highest risk category in the monitor as a whole.

The assessment of a very high risk relating to **Access to media for minorities** (88%) is complicated by the fact that, legally-speaking, Ireland does not recognise the existence of any minorities. (The Irish Travelling Community has been acknowledged as an ethnic group since 2017 but this has no legal implications.) Nonetheless the only identity actively reflected in the provision of content is the Irish-language community, especially in broadcasting where there are both dedicated radio and television PSM-operated channels. There *are* other groupings which might be identified as minorities as delineated in the Equal Status Act of 2000. Furthermore, according to the 2016 census, 17% of the population does not identify as "White Irish" or "White Irish Travellers" so there is clearly scope for the provision of dedicated programming. In practice this almost entirely absent from the airwaves: there is no specific obligation on private or PSM broadcasters to provide such content and in practice there is virtually no dedicated programmes addressing ethnic minority audiences. The one exception to this is the community broadcasting sector which, though somewhat precariously-funded, offers consistent minority-audience programming strands across the 20 stations operating under such licences.

Access to media for local/regional communities and for community media scores a low risk (25%) because provision for the existence of such media and their access to broadcast distribution platforms is made in the 2009 Broadcasting Act. Furthermore the independence of the sector is both legally protected and safeguarded in practice. The one major question mark over community media relates to its limited and somewhat precarious funding.

The low risk (13%) score on **Access to media for people with disabilities** represents a marked improvement on earlier MPM assessments of this variable and reflects both the existence of a requirement to provide access services for people with disabilities in the 2009 Broadcasting Act *and* a Broadcasting Authority of Ireland policy of consistently revising upwards (and monitoring the implementation of) minimum access rules relating to subtitling, close-captioning, audio

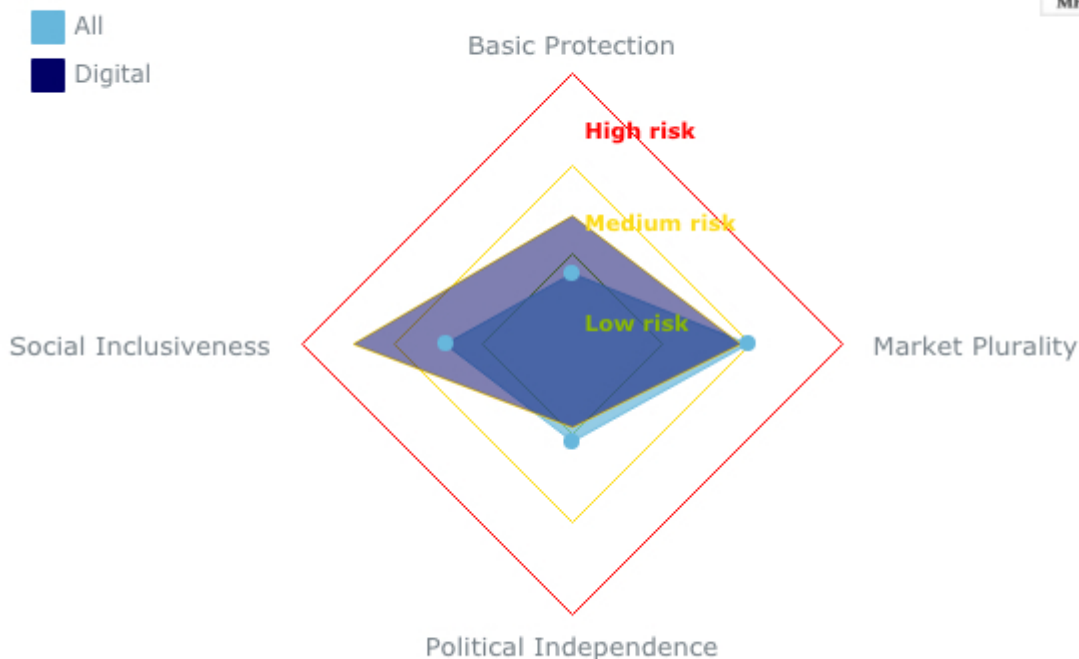
description and Irish sign language.

The medium risk score on **Access to media for women** (50%) is to a large extent accounted for by the manner in which women are represented in Irish media. There is some evidence of efforts to develop gender-conscious personnel policies (although this is more evident with regard to public broadcasters: the main PSM, RTE, has a 50:50 gender split on its board and a female Director-General for example). Against this academic research (O'Brien 2019) suggests women account for only a third of all media professionals in Ireland. Furthermore, there is a marked gendering of areas deemed appropriate for male and female individuals: Walsh et al (2015) found that on radio, male voices accounted for a significant majority of those discussing politics, economics and science and technology.

Media Literacy scores a medium risk (58%). Although the 2009 Broadcasting Act identified media literacy promotion as a function of the Broadcasting Authority of Ireland it was not until 2016 that the latter published a Media Literacy Policy. Ireland can broadly be regarded as being at an advanced stage in the development of such policies but still falls behind, for example, the Nordic countries. O'Neill (2019) identifies media literacy as a "core element" of the Irish education curriculum but notes that in practice its promotion still relies on the initiative of individual teachers. With regard to digital media literacy the Eurostat finding that 36% of the Irish population has low overall digital skills constitutes a high risk. And, to the extent that media literacy can address hate speech, there is little evidence in Ireland that it has been successful in this regard. (The 1989 Prohibition of Incitement to Hatred Act 1989 has clearly failed to properly address hate speech and in 2019 the UN Committee on the Elimination of Racial Discrimination expressed particular concern about the increasing incidence online of hate speech directed against ethnic minorities resident in Ireland.)

4. Pluralism in the online environment: assessment of the risks

Ireland: Media Pluralism Risk Areas - Digital



JS chart by amCharts

There is a very significant distinction between the digital-specific and overall scores for **Basic Protections**. While the overall score is 26%, the digital-specific score is nearly twice that (47%). Given that Ireland offers relatively secure protections for net neutrality and – despite concerns about both average broadband speed and levels of household broadband penetration – relatively high levels of internet access, the jump in the digital-specific score is mainly accounted for by concerns regarding online freedom of expression and the operation of the 2011 Data Retention Act.

There is clearly an issue regarding legal mechanisms for regulating online content. Since 2015 the EU's Net Neutrality Regulation has held that blocking of content can only occur on a legislative basis but there is no legal obligation requiring the Irish state to report instances where filtering and removal of online content has occurred and, in practice no department of the State appears to do so. The decision to limit social media platform content to self-regulation draws attention to the “Community Standards” operated by Facebook and Twitter. These are informed by the kind of language contained in Article 10 (2) of the European Convention on Human Rights which permits some limits to freedom of expression. However, such Community Standards are not overtly drawn up with reference to external national or supranational legal codes leaving open the question as to how arbitrary they may be. Writing with regard to social media platform self-regulation across the EU, Quintel and Ullrich (2019) query how the wider public can know if algorithms nominally designed to block problematic content such as hate speech or child pornography are not also informed by other commercial interests.

With regard to basic protections, the 2011 Communications (Data Retention) Act requires electronic communications service providers in Ireland to retain data for all electronic communications. The 2011 Act built upon the EU Directive 2006/24 on the retention of data generated by public electronic communications. In 2014, the European Court of Justice (ECJ) declared the directive invalid because it "failed to make express provision for sufficient safeguards for the protection of the fundamental rights of citizens." This in turn raised doubts about the legality of the 2011 Act. A 2017 review of the 2011 Act recommended replacing it with new legislation limiting retention of journalist communications data to cases where the journalist was suspected of committing a serious criminal offence or threatening state security (Murray, 2017). However, A draft Communications (Data Retention) Bill drawn up in 2017 largely ignored these recommendations.

With regard to **Market Plurality**, there is little difference between the overall score (65%) and the digital score (62%).

Legal provisions regarding transparency of media ownership are broadly similar for legacy media and digital native media. Although online media are subject to the Competition and Consumers Protection Act, they, like print media and television stations, are not subject to specified ownership thresholds. In any case, that so many digital media consumed in Ireland are based outside the state and do not publish Irish revenue figures makes it difficult to calculate their market share. Similarly it is virtually impossible to establish figures which indicate the market share of companies operating in both online and legacy media markets.

With regard to online competition enforcement, the Competition and Consumer Protection Commission currently assumes that platforms are NOT news media and thus not subject to the media-specific regulations on ownership. In contrast to legacy news media, where acquisitions prompt questions regarding media pluralism and diversity, social media platforms ownership issues are more likely to concentrate on the question of advertising market dominance. This is not a trivial issue given that online advertising is the single biggest area of advertising expenditure in Ireland. However, that online platforms have acquired their share of the overall advertising market by “organic” growth rather than by merger or acquisition limits the capacity of the CCPC (or, for that matter the Broadcasting Authority of Ireland (BAI)) to meaningfully intervene in platform dominance of the advertising market.

This relative health of online is reflected in the small Irish digital native news sector which have seen both turnover and profits – and, as a consequence, journalist employee numbers - increase since 2016. Legacy media have also sought to tap into online revenues, albeit sometimes slowly: Independent News and Media only introduced a paywall for its content in 2020. However although other legacy outlets had already achieved some impressive digital subscriber figures – notably the 80,000-plus claimed by the Irish Times in 2018 –these have not compensated for the circulation and advertising revenue declines. Arguments from the European Commission that the supernormal profits of online giants might be subjected to a digital tax AND that such a tax might support broader media viability, have, received short shrift from the Irish state.

As regards commercial and owner influence over editorial content, although the National Union of Journalists and the Press Council codes emphasize how journalists should not to be influenced by commercial interests, the regulatory reach of these institutions is relatively limited: TheJournal.ie is the only digital native news outlet to have signed up to the Press Council code. Given how many popular online news sources are located beyond the borders of the Irish state, it is unclear as to what regulations/safeguards might govern journalistic activity. Against this, the most popular online news sources in Ireland (e.g. RTE.ie or Independent.ie) are offshoots of print and broadcast legacy media and thus their journalists would be subject to BAI and Press Council codes.

As with market pluralism, the overall and digital specific scores relating to the **Political Independence** indicators are quite similar, albeit the 31% score for digital is low risk compared to the medium risk score (36%) overall. As with legacy media there is no evidence that political parties exert any control over digital native media. Notably, and notwithstanding an incident where RTE amplified a fake social media account during the 2011 Presidential election, relatively few Irish media outlets – legacy or digital – have public guidelines on social media use by journalists.

One notable issue relates to the regulation of online political advertising. Although Standards in Public Office Commission rules require all election candidates to publicly declare election expenses, inconsistencies in the detail offered makes it impossible to establish how much all candidates spent on online campaigns. Furthermore, notwithstanding their endorsement of the European Commission-promoted “Code of Practice on Disinformation”, the Elect Check 2019 survey of the online campaigns in the lead-up to the 2019 European Election in Ireland found that online platforms did not fully meet the standards of the Code. There has been extensive discussion since 2015 within Irish political circles regarding the establishment of an Electoral Commission which might set standards for online political advertising and several submissions to an Autumn 2018 Government-initiated public consultation – including that from the Standards in Public Office Commission - called for a framework to regulate online political advertising.

With regard to **Social Inclusiveness**, although the digital specific score (47%) is far lower than the overall score (81%), it remains within the medium risk range. That, according to Eurostat, only 53% of the Irish population has basic digital skills (with a further 36% considered to have low digital skills), is concerning in an era when digital communication is so fundamental to social participation. This is compounded by the failure of efforts to counter online hate speech

through regulatory means. The 1989 Prohibition of Incitement to Hatred has not yet been updated to take particular account of online speech (and has in any case been largely ineffective in countering other forms of hate speech).

5. Conclusions

The headline results of this iteration Monitor with regard to Ireland find that **Basic Protections** (e.g. freedom of expression and information) are well secured and constitute a low risk (26%) to pluralism. Though the risk score for **Political Independence** is higher (36%) and is regarded as a medium risk this is largely accounted for weak legal protections for editorial autonomy and the inherently political nature of the appointments process for Public Service Media. **Social Inclusiveness** scores a markedly higher figure (47%) and sits squarely in the medium risk zone, due mainly to the absence of protections for minority audiences and active gender equality promotion in programme-making. However, the single highest risk category continues to be **Market Plurality** which scores 65% and is thus placed on the threshold of the "high risk" range. The small and already concentrated nature of the Irish media market, together with declining revenues for legacy media outlets and the absence of legally defined concentration of media ownership thresholds combine to raise question as to how long the commercially-oriented media (including to some extent the advertising-dependent Public Service Media outlets) can continue to perform their core informational functions.

The emphasis on the weakness of media market plurality in Ireland identifies the disruption of the commercial (i.e. advertising funded) media model as perhaps the key problem underlying a series of intermediate threats (e.g. news media concentration) to media pluralism. Clearly, not all media are affected in the same way, as the seemingly unstoppable march of social media giants demonstrates. However, social media companies rely on content generated elsewhere to attract user attention and the advertising-for-content quid pro quo that characterised legacy media seems to be unsustainable. Yet reliable, comprehensive information and a space for public discourse remain key foundations for democratic practice. The key recommendation stemming from the research therefore is for the Department of Communications to inaugurate a large-scale investigation and ultimately description of an alternative media system, one which, while not dismissing the role of commercial media, proceeded on the assumption that they may not exist in their current form within a decade. Such an investigation would discuss the current and likely future informational and discursive needs of Irish society, identify what media forms (in terms of technology, ownership, control and funding) best address those needs and devise a roadmap to re-shape current media provision into a viable, sustainable and *useful* form. Crucially, it should be willing to contemplate the possibility that nothing within the existing Irish ecology is sacred and that tinkering with the current difficulties across the market may only prolong a long decline.

In passing such a discussion should include in its considerations precisely the areas which this research (and previous iterations of it) have repeatedly identified as problematic:

- the concentration of media ownership in relatively few private hands,
- the consequences of reliance on advertiser-funding to sustain media viability,
- the related dangers of placing responsibility for media content production in the hands of media professionals lacking job security
- the absence of strong legal protections for editorial autonomy,
- the implications of leaving levels of public media funding at the discretion of individual government ministers
- the unequal access of minority or disadvantaged groups to participation in media production
- the value of highlighting the key role played by media industries as a whole in constituting a successful social sphere.

Finally, such a debate, while examining examples of best practice elsewhere, should be willing to focus on the specific needs of Irish society, culture and politics and to consider developing innovative models accordingly.

ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2020 CT Leader
Roddy	Flynn	Associate Professor	School of Communications, Dublin City University	X

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
Ciaran	Kissane	Media Regulator	Broadcasting Authority of Ireland
Seamus	Dooley	Trade Union Representative for Irish Journalists	National Union of Journalists
Lisa	NI Choisdealbha	Representative of the independent radio and television sector in Ireland	Independent Broadcasters of Ireland
Marie	McGonagle	Lecturer/Professor	National University of Ireland, Galway
Ann Marie	Lenihan	Chief Executive Officer	Newsbrands

